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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 19th June .1967:—

BILL No. 76 OF 1967

A Bill to provide for the transfer of certain territory from the State of Mysore to the State of Andhra Pradesh and for matters connected therewith.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

1. This Act may be called the Andhra Pradesh and Mysore (Transfer of Territory) Act, 1967. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "appointed day" means the 1st day of October, 1967;

(*b*) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950; 43 of 1950.

(*c*) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(*d*) "transferred territory" means the territory specified in the Schedule and transferred from the State of Mysore to the State of Andhra Pradesh by section 3.

Transfer of territory from Mysore to Andhra Pradesh.

3. (*1*) As from the appointed day, there shall be added to the State of Andhra Pradesh the territory specified in the Schedule which shall thereupon cease to form part of the State of Mysore.

(*2*) The transferred territory shall be included in, and form part of, the Hindupur taluk of Anantapur district in the State of Andhra Pradesh.

(*3*) Nothing in sub-section (*2*) shall be deemed to affect the power of the State Government to alter, after the appointed day, the name, extent or boundaries of any district or taluk in the State of Andhra Pradesh.

Amendment of First Schedule to the Constitution.

4. As from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES",—

(*a*) for the entry against "1. Andhra Pradesh", the following shall be substituted, namely:—

"The territories specified in sub-section (*1*) of section 3 of the Andhra State Act, 1953, sub-section (*1*) of section 3 of the States Reorganisation Act, 1956, the First Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959, and the Schedule to the Andhra Pradesh and Mysore (Transfer of Territory) Act, 1967, but excluding the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959."; and

(*b*) in the entry against "9. Mysore", after the words and figures "States Reorganisation Act, 1956", the words, brackets and figures "but excluding the territory specified in the Schedule to the Andhra Pradesh and Mysore (Transfer of Territory) Act, 1967" shall be inserted.

Extent of parliamentary and assembly constituencies.

5. As from the appointed day, the transferred territory shall cease to be part of Madhugiri parliamentary constituency and Bagepalli assembly constituency in the State of Mysore as delimited in Order No. 11 of the Delimitation Commission made under section 10 of the Delimitation Commission Act, 1962, and shall form part of Hindupur parliamentary constituency and Hindupur assembly constituency in the State of Andhra Pradesh as delimited in Order No. 3 of the Delimitation Commission made under the said section. 61 of 1962.

Provision as to sitting members of Parliament and Legislative Assemblies.

6. (*1*) The sitting members of the House of the People representing Hindupur parliamentary constituency in the State of Andhra Pradesh and Madhugiri parliamentary constituency in the State of Mysore shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the House of the People.

(*2*) The sitting members of the Legislative Assemblies of Andhra Pradesh and Mysore representing Hindupur assembly constituency and Bagepalli assembly constituency respectively shall, notwithstanding the alteration in the extent of those constituencies by virtue of the provisions of this Act, continue to be members of the said Assemblies.

Extent of Council constituencies.

7. (*1*) Any reference in the Delimitation of Council Constituencies (Andhra Pradesh) Order, 1957, to Anantapur district shall be construed as including the territory transferred to that district from the State of Mysore.

(*2*) Any reference in the Delimitation of Council Constituencies (Mysore) Order, 1951, to Kolar district shall be construed as excluding the territory transferred from that district to the State of Andhra Pradesh.

Sitting members of Legislative Councils.

8. Every sitting member of the Legislative Council of Andhra Pradesh or of Mysore representing a council constituency the extent of which is altered by virtue of section 7 shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

Extension of jurisdiction of Andhra Pradesh High Court.

9. (*1*) As from the appointed day,—

(*a*) the jurisdiction of the High Court of Andhra Pradesh shall extend to the transferred territory; and

(*b*) the High Court of Mysore shall have no jurisdiction in respect of the said territory.

(*2*) If, immediately before the appointed day, there is any proceeding relatable to the transferred territory pending in the High Court of Mysore, then, notwithstanding anything contained in sub-section (*1*), such proceeding shall be heard and disposed of by that High Court.

(*3*) Any order made by the High Court of Mysore in any proceeding with respect to which that High Court exercises jurisdiction by virtue of sub-section (*2*) shall, for all purposes, have effect, not only as an order of the High Court of Mysore but also as an order made by the High Court of Andhra Pradesh.

(4) For the purposes of this section,—

(*a*) proceedings shall be deemed to be pending in the High Court of Mysore until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(*b*) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

Appropriation of moneys for expenditure in transferred territory under existing Appropriation Acts.

10. As from the appointed day, any Act passed by the Legislature of Andhra Pradesh before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1967-68 shall have effect also in relation to the transferred territory, and it shall be lawful for the State Government to spend any amount for that territory out of the amount authorised by such Act to be expended for any services in that State.

Assets and liabilities.

11. (*1*) All land and all stores, articles and other goods in the transferred territory belonging to the State of Mysore shall, as from the appointed day, pass to the State of Andhra Pradesh.

Explanation.—In this sub-section, the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes.

(*2*) All rights, liabilities and obligations, whether arising out of a contract or otherwise, of the State of Mysore in relation to the transferred territory shall, as from the appointed day, be the rights, liabilities and obligations, respectively, of the State of Andhra Pradesh.

State Financial Corporations and State Electricity Boards.

12. As from the appointed day,—

(*a*) the Financial Corporations constituted under the State Financial Corporations Act, 1951, for the States of Mysore and Andhra Pradesh, and 63 of 1951

(b) the State Electricity Boards constituted under the Electricity (Supply) Act, 1948, for the said States,

54 of 1948.

shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

Extension of laws.

13. All laws which, immediately before the appointed day, extend to, or are in force in, the Hindupur taluk of Anantapur district in the State of Andhra Pradesh but do not extend to, or are not in force in, the transferred territory, shall, as from that day, extend to, or as the case may be, come into force in, the transferred territory; and all laws which, immediately before the appointed day, are in force in the transferred territory but not in the Hindupur taluk of Anantapur district in the State of Andhra Pradesh shall, on that day, cease to be in force in the transferred territory, except as respects things done or omitted to be done before that day.

Explanation.—In this section, "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the State of Andhra Pradesh or Mysore.

Power to construe laws.

14. Any court, tribunal or authority required or empowered to enforce any law extended to the transferred territory by section 13 may, for the purpose of facilitating its application in relation to the transferred territory, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal proceedings.

15. Where, immediately before the appointed day, the State of Mysore is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of Andhra Pradesh under this Act, the State of Andhra Pradesh shall be deemed to be substituted for the State of Mysore as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Transfer of pending proceedings.

16. (*1*) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Mysore shall, if it is a proceeding relating exclusively to any part of the transferred territory, stand transferred to the corresponding court, tribunal, authority or officer in the State of Andhra Pradesh.

(*2*) If any question arises as to whether any proceeding should stand transferred under sub-section (*1*), it shall be referred to the

High Court of Mysore and the decision of that High Court shall be final.

(3) In this section,—

(a) "proceeding" includes any suit, case or appeal, and

(b) "corresponding court, tribunal, authority or officer" in the State of Andhra Pradesh means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of Andhra Pradesh, or before the appointed day by the Government of Mysore, to be the corresponding court, tribunal, authority or officer.

Effect of provisions inconsistent with other laws.

17. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to remove difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act (including any difficulty in relation to the transition under section 13 from one law to another law), the President may by order do anything not inconsistent with any such provision which appears to him to be necessary for the purpose of removing the difficulty.

Power to make rules.

19. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[*See* sections 2(*d*) and 3]

TERRITORY TRANSFERRED FROM THE STATE OF MYSORE TO THE STATE OF ANDHRA PRADESH.

Area comprised in survey number 19 of "Abakavaripalli" village of Bagepalli taluk in Kolar district.

STATEMENT OF OBJECTS AND REASONS

A part (Survey No. 19) of Abakavaripalli village (about 5 acres in area) in Bagepalli taluk of Kolar district of the State of Mysore forms an enclave in the Anantapur district of the State of Andhra Pradesh. This enclave was lost sight of when the exchange of such enclaves was effected by the Provinces and States (Absorption of Enclaves) Order, 1950, dated the 25th January, 1950. When the existence of the enclave came to notice, the matter was discussed at a meeting of the Southern Zonal Council and the Governments of Mysore and Andhra Pradesh agreed that on grounds of administrative convenience, it should be transferred from the State of Mysore to the State of Andhra Pradesh. The Bill seeks to give effect to this transfer.

2. The Bill also makes the necessary supplemental, incidental and consequential provisions relating to representation in Parliament and the concerned State Legislatures, transfer of jurisdiction to the High Court of Andhra Pradesh, authorisation of expenditure, apportionment of assets and liabilities, and certain other matters.

3. As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Andhra Pradesh and Mysore and has been considered by those State Legislatures.

NEW DELHI;

The 10th May, 1967.

Y. B. CHAVAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 3 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F.3/2/62-SR(R), dated the 17th May, 1967 from Shri Y. B. Chavan, Minister of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill to provide for the transfer of certain territory from the State of Mysore to the State of Andhra Pradesh and for matters connected therewith, recommends the introduction of the Bill in the Lok Sabha under proviso to article 3 of the Constitution.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 19 of the Bill empowers the Central Government to make rules generally to give effect to the provisions of the Bill when enacted. The rules will be confined to matters of procedure and other matters of minor detail relating to the enforcement of the provisions regarding the transfer of territory. The delegation of legislative power is thus of a normal character.

BILL No. 75 OF 1967

A Bill further to amend the Iron Ore Mines Labour Welfare Cess Act, 1961.

BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1967.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 1.

2. In section 1 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:— 58 of 1961.

"(*2*) It extends to the whole of India.".

Insertion of new section 1A.

3. After section 1 of the principal Act, the following section shall be inserted, namely:—

Definitions.

'1A. In this Act, unless the context otherwise requires,—

(*a*) "export" means taking out of India to a place outside India;

(*b*) "factory" and "occupier" have the meanings respectively assigned to them in clauses (*m*) and (*n*) of section 2 of the Factories Act, 1948;

63 of 1948.

(*c*) "metallurgical factory" means—

(*i*) a factory in which iron or steel is being processed or manufactured;

(*ii*) any other factory, being a factory in which iron ore is used for any purpose, which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act;

(*d*) "owner" has the meaning assigned to it in clause (*l*) of section 2 of the Mines Act, 1952.'.

35 of 1952.

Substitution of new sections for section 2.

4. For section 2 of the principal Act, the following sections shall be substituted, namely:—

Levy and collection of cess on iron ore.

"2 With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected as a cess for the purposes of this Act on all iron ore produced in any mine—

(*a*) a duty of customs, where such iron ore is exported; or

(*b*) a duty of excise, where such iron ore is sold or otherwise disposed of to the occupier of any metallurgical factory or is used by the owner of the mine for any purpose,

at such rate not exceeding fifty paise per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette.

Payment of duty of customs and duty of excise.

2A. (*1*) **Every duty of customs leviable under this Act on any iron ore shall be payable to the Central Government by the person by whom the iron ore is exported.**

(2) Every duty of excise leviable under this Act on any iron ore shall be payable—

(*a*) to the occupier of the metallurgical factory, by the person by whom such iron ore is sold or otherwise disposed of to such occupier;

(*b*) to the Central Government, by the owner of the mine where the iron ore is used by such owner for any purpose,

within such period as may be prescribed by rules made under this Act

(3) All amounts received by the occupier of any metallurgical factory under clause (*a*) of sub-section (2) shall be paid by him to the Central Government within such period as may be prescribed by rules made under this Act.".

Amendment of section 8.

5. In section 8 of the principal Act, in sub-section (2), after clause (*a*), the following clauses shall be inserted, namely:—

"(*aa*) the period within which the person selling or otherwise disposing of the iron ore shall pay the duty of excise to the occupier of the metallurgical factory;

(*aaa*) the period within which the owner of the mine shall pay the duty of excise to the Central Government;

(*aaaa*) the period within which the occupier of the metallurgical factory shall pay to the Central Government the duty of excise received by him;"

STATEMENT OF OBJECTS AND REASONS

Section 2 of the Iron Ore Mines Labour Welfare Cess Act, 1961, provides for the levy of a cess, on all iron ore produced in any mine, at such rate not exceeding fifty paise per metric tonne as the Central Government may from time to time fix by notification in the Official Gazette. At present, the rate of cess thus levied is twenty-five paise per metric tonne. The proceeds of the cess levied and collected, reduced by the cost of collection, are being utilised to promote the welfare of labour employed in the iron ore mining industry. For collection of the cess, eight Cess Commissioners have been appointed in the important iron ore producing States. The cost of machinery for collection comes to about four to five per cent. of the cess collected. This cost of collection is likely to be higher when the full complement of staff necessary for checking, inspection, supervision and accounting is appointed. In order to reduce the expenditure towards the cost of collection, it is proposed to amend the Act so as to collect the cess as a duty of customs in respect of iron ore which is exported out of India and as a duty of excise in respect of iron ore which is sold or otherwise disposed of by the owners of mines to steel plants and other units producing pig iron, etc. The cess as duty of customs will be collected through the agency of the Customs Department (as is being done in the case of cess on mica) and as duty of excise will be collected through the agency of the steel plants, etc., at the time of receipt of the despatches by them. A saving of approximately two lakhs of rupees is expected from this change in the mode of collection of cess.

The Bill seeks to achieve the above object.

NEW DELHI:
The 30th May, 1967.

JAISUKHLAL HATHI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to substitute section 2 of the Iron Ore Mines Labour Welfare Cess Act, 1961, which provides for the levy of a cess at such rate not exceeding 50 paise per metric tonne of iron ore produced, as the Central Government may fix from time to time. The rate of cess in the new section 2 will be the same though there will be change in the mode of its collection.

2. The present method of levy of cess is on production. The new section 2 envisages the cess to be levied as duty of customs on exports and as duty of excise on all iron ore despatched to the Steel Plants and Units producing pig iron or otherwise consuming iron ore. The Ministry of Finance (Department of Revenue) have agreed to charge 1/2 per cent. of the collections as administrative charges to cover the cost of collection. Although no clause of the Bill, when enacted, directly involves expenditure from the Consolidated Fund of India, assuming that similar 1/2 per cent. as "collecting agencies' charges" may become payable to Iron and Steel Factories and other units producing Pig Iron and taking the figures of 10 million tonnes on exports (Revised figure of 1964) and 11·29 million tonnes on domestic consumption, the total amount payable as collection charges will be Rs. 12,500 *plus* Rs. 14,410 *i.e.*, Rs. 26,910 say Rs. 30,000 in a calendar year or in a financial year. The change in the mode of collection will entail a saving of approximately two lakhs of rupees in the cost of machinery of collection of cess.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill which seeks to amend section 8 of the Iron Ore Mines Labour Welfare Cess Act, 1961, empowers the Central Government to make rules with respect to the periods within which the persons liable to pay the duty of excise shall pay the same. This is a matter of detail and the delegation of legislative power is thus of a normal character.

S. L. SHAKDHER,

Secretary.

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